

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRENDA L. (BARRUS) PEASE,

Plaintiff,

Case No: 1:13-cv-1122

v.

HON. JANET T. NEFF

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

OPINION AND ORDER

Plaintiff seeks judicial review of a decision of the Commissioner of the Social Security Administration. 42 U.S.C. § 405(g). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R & R), recommending that this Court affirm the Commissioner's decision to deny Plaintiff's claim for Supplemental Security Income (SSI). The matter is presently before the Court on Plaintiff's objections to the R & R (Dkt 18). Defendant has filed a Response (Dkt 19). In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the R & R to which objections have been made. The Court denies the objections and issues this Opinion and Order.

As Defendant points out, Plaintiff reiterates and reasserts the same arguments that she raised before the Magistrate Judge: (1) the Administrative Law Judge (ALJ) erred by admitting only part of a previous file and then remarking about the lack of proof; (2) the ALJ failed to fully consider the "moderate" impact of Plaintiff's mental impairment on her ability to concentrate; and (3) the ALJ's credibility finding was not supported by the evidence of record (Pl's. Obj. at 1, 4, 6; Pl's. Br. at 10; Pl's. Reply at 1-3). Merely rearguing the same issues previously raised does not present a proper

objection to a Report and Recommendation. As Defendant appropriately observes in its response, such duplication defeats the purpose the Federal Magistrate’s Act, 28 U.S.C. § 636, which is to “relieve courts of unnecessary work.” *See Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). An “objection” that merely “restates the arguments previously presented is not sufficient to alert the court to alleged errors on the part of the magistrate judge.” *VanDiver v. Martin*, 304 F. Supp. 2d 934, 937 (E.D. Mich. 2004); *see also Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

Additionally, with regard to Plaintiff’s argument on issue (1) above, Plaintiff is incorrect that “*Hartranft* [v. *Commissioner of Social Security*, No. 3:13-cv-1570, 2015 WL 1383608 at *14 (N.D. Ohio March 25, 2015)] does not cite *Bowie* [v. *Commissioner of Social Security*, 539 F.3d 395, 399 (6th Cir. 2008)] for anything” (Obj. at 3). The Magistrate Judge’s citation to this authority is accurate (R & R at 6). And even if *Hartranft* is not controlling with respect to previous records at the administrative hearing level, Plaintiff has not shown that the Magistrate Judge erred in denying relief on this ground, where the Magistrate Judge properly applied the appropriate legal standards for review in this Court.

In short, Plaintiff points to no error or deficiency to warrant rejecting the Magistrate Judge’s analysis of the issues raised by Plaintiff or the determination that the Commissioner’s decision be affirmed (R&R, Dkt 17 at 12). Plaintiff’s objections are denied. A Judgment will be entered consistent with this Opinion and Order.

Accordingly:

IT IS HEREBY ORDERED that the Objections (Dkt 18) are DENIED, and the Report and Recommendation of the Magistrate Judge (Dkt 17) is APPROVED and ADOPTED as the Opinion

of the Court.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is
AFFIRMED.

Dated: August 21, 2015

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge